



**Planning Applications Committee**

**09:30 to 13:45**

**9 November 2023**

Present: Councillors Driver (chair) (from item 5 (below), Sands (M) (vice chair) (in the chair from the start of the meeting to the end of item 4 (below)), Ackroyd (substitute for Councillor Lubbock), Calvert, Champion, Hoechner, Peek, Price, Prinsley, Sands (S), Thomas (Va) and Thomas (Vi) (to end of item 5 (below)) and Young

Apologies: Councillors Lubbock and Stutely

(In the absence of the chair, Councillor Sands (M), vice chair, was in the chair.)

**1. Declarations of interests**

Councillor Ackroyd declared an other interest in items 3, Application no 23/00790/F – Site Adjacent to 133 Netherwood Green and 4, Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green, because she does voluntary work for St Martin’s Housing Trust. Councillor Ackroyd left the meeting during the consideration of these items and did not take part in the determination of items 3 or 4.

Councillor Peek declared a pecuniary interest in items 3, Application no 23/00790/F – Site Adjacent to 133 Netherwood Green and 4, Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green, because he was employed by St Martin’s Housing Trust. Councillor Peek left the meeting during the consideration of these items and did not take part in the determination of items 3 or 4.

Councillor Calvert had served on the licensing subcommittee that had determined the premises licence in respect of 152A Unthank Road (item 6 (below) Application no 23/00926/F, 152A Unthank Road, Norwich, NR2 2RS). He declared that he did not have a predetermined view in respect of this application.

(Councillor Driver subsequently declared an other interest in that he was a member of the Campaign for Real Ale (CAMRA) in relation to item 6 (below) Application no 23/00926/F, 152A Unthank Road, Norwich, NR2 2RS. He had also served on the licensing subcommittee that had determined the premises licence in respect of 152A Unthank Road and declared that he did not have a predetermined view in this application.)

## 2. Minutes

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 12 October 2023.

(Councillors Ackroyd and Peek left the meeting at this point.)

## 3. Application no 23/00790/F – Site Adjacent to 133 Netherwood Green

**Proposal:** Proposed development of garage site into 8 No. self-contained modular flats with associated landscaping and parking.

(Councillors Ackroyd and Peek having declared interests were not present during the consideration of this item.)

The Development Management Team Leader presented the report with the aid of plans and slides. For clarification, she confirmed that the application number for this planning application was 23/00790/F and that references, contained in the report and on the site plan, starting with “22” instead of “23” were incorrect.

Three interested parties who had made representations on the planning application then addressed the committee with their objections to the proposal.

The first speaker referred to her concern about an increase in antisocial behaviour on the site from providing accommodation for homeless people without addressing the root cause of their drug and alcohol addictions, and that her views were evidenced by the experience of neighbours living around Webster Close and Kett’s Court. She considered that Broadland Housing Association and St Martin’s Housing Trust were not good neighbours in managing these facilities. There were eight known locations providing housing for homeless people in NR1, which was an overconcentration. She suggested that the council should provide affordable housing on this site rather than the proposed facility for homeless people due to the implications for other residents and the locality.

The second speaker addressed the committee and outlined her concern about accommodation for people with a drug or alcohol dependence in the vicinity of a school and the affect that this could have on children; her perception of safety around her home; and requested that there was CCTV. She also expressed concern that the demolition of the garages would release asbestos and other toxins and the affect that this could have on residents and wildlife.

Thirdly, a resident of Arnold Miller Road, whose garden backed on to the proposal site, addressed the committee outlining her objections regarding loss of privacy and being overlooked from the development and concerns that the development would affect the wildlife that she enjoyed in her garden.

The Chief Executive of St Martins Housing Trust (the applicant) addressed the committee in which she confirmed that the plans had been changed to mitigate local concerns following consultation with the community and that there would be further engagement with residents. Four years ago, there had been around 60 objections to the planning application for the Somewhere Safe to Stay Hub in Recorder Road and their perceptions about antisocial behaviour had not been realised. Norwich had

bucked the national trend by reducing the numbers of people rough sleeping through the provision of specific support and accommodation. There had been no cases of drug dealing either inside or outside the hub. The hub's residents helped maintain Stuart Gardens. There had only been three complaints since January. There was antisocial behaviour because some of the residents had poor mental health. The trust worked closely with the police. She referred to the national housing crisis and said that this proposal could change lives. The provision of a safe place to stay, saved lives.

The Managing Director, Flagship Homes, also addressed the committee in support of the proposal, and spoke about the reasons that led to people becoming homeless. The provision of safe and secure accommodation enabled people to rebuild their lives, improve their mental and physical health, and contribute to society whilst also reducing crime. There would be a competent team in place to address any issues that arose, and they would continue to work together with the community.

The Development Management Team Leader said that the application was for a scheme for C3 land use and the provision of 8 one-bedroom flats. Members should not put too much weight on the allocation of the flats to homeless people or perceptions of criminal antisocial behaviour and should focus on the implications of the proposal in planning terms. The site was a garage site that was mostly covered with hard standing. The removal of asbestos was covered by legislation that was outside the planning process. Concerns about wildlife, biodiversity and landscaping would be discharged through conditions.

Discussion ensued in which the Development Management Team Leader, referred to the report and presentation and answered members' questions. Members considered that landscaping could provide screening to prevent no 14 Arnold Miller Close being overlooked from the external stairway of one of the flats, noting that any shading would be over the new flats and not the existing houses which were 15 to 20 metres away. This could be achieved through the landscaping condition. Members also sought assurance that the council had other garages available for residents in the vicinity and that loss of income was not an issue for the committee to take into consideration. The Development Management Team Leader advised members that the construction of the buildings was modular and unlikely to support a green roof, and that members should consider the application as presented in the application. Members were advised that the ecologist's report would recommend the most appropriate measures to support species rather than the committee proscribing measures which might not be the most appropriate. Given the low-level roofing of the garages, it was unlikely that there were bats on the site but if found during construction works would stop and Natural England notified. Members noted that the proposed landscaping and green spaces would improve the biodiversity of the site. A member suggested that a proportion of the site be put aside for rewilding.

The vice chair moved, and Councillor Sands (S) seconded the recommendations contained in the report.

Discussion ensued in which Councillor Hoechner moved and Councillor Calvert seconded that the landscaping condition be enhanced to provide screening to prevent overlooking from the development into no 14 Arnold Miller Close. Members considered appropriate planting and the maturity and maximum size of trees at

planting to provide immediate screening. Members were advised that it was not reasonable to require the applicant to provide planting in the neighbour's garden. On being moved to the vote the amendment was carried unanimously.

The vice chair then moved the recommendation to approve the recommendations contained in the report as amended.

**RESOLVED**, unanimously, to approve application no 23/00790/F, Site Adjacent to 133 Netherwood Green, and grant planning permission subject to the completion of a Section 106 legal agreement to secure nutrient neutrality mitigation and Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy contributions and the following conditions and informatives:

1. Standard time limit;
2. In accordance with plans;
3. Materials details
4. Landscaping details, enhanced to include planting for screening of no 14 Arnold Miller Close;
5. Ecology measures
6. Surface water drainage
7. Provision of parking and turning area
8. Cycle storage details
9. Construction management plan
10. Contamination – site investigation and remediation
11. Unexpected contamination
12. Imported soil
13. Water efficiency
14. Tree protection

Informatives:

1. Construction working advice
2. Asbestos removal
3. No car parking permits

#### **4. Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green**

**Proposal:** Proposed development of garage site into 4 No. self-contained modular flats with associated landscaping and parking.

(Councillors Ackroyd and Peek having declared interests were not present during the consideration of this item.)

The Development Management Team Leader presented the report with the aid of plans and slides.

The first speaker for the previous application addressed the committee and said that there had been a lack of communication with the community about this scheme. The success of the scheme was dependent on the support of existing residents. She said that it was difficult to report incidences of antisocial behaviour at Webster Court. She reiterated the adjoining neighbours' concerns about the effect on wildlife and concern about anti-social behaviour and noise from the occupants of the new flats.

The applicants confirmed that they had nothing further to add to their statements made on the previous application.

Discussion ensued in which the Development Management Team Leader, referred to the report and presentation and answered members' questions. This included questions about the location of the bin stores in relation to the car parking, with members noting that access to the bins was impractical when a car was parked in one of the spaces. Members considered whether there were alternative locations such as at the rear of the site, which could be accessed via a gate into the path. Members noted that the car parking spaces were for future occupants of the proposed flats. The green space at the front of the flats was too small to for fly parking. Members noted the constraints of the site with a substation in one corner, and considered whether there were alternative or more practical locations for the bin store on the site. The committee also considered the removal of the first-floor side windows of the flats overlooking the trees at the north of the site was detrimental to residential amenity. The design should not have been amended to remove the side windows to mitigate overlooking the neighbours and members considered that obscure glass should be used instead. A member commented that natural light in this flat would be unsatisfactory without these windows or light tunnels.

The vice chair moved, and Councillor Thomas (Va) seconded, the recommendations as set out in the report.

Councillor Champion moved, and Councillor Calvert seconded, that consideration of the application should be deferred to enable the applicant to address members' concerns about the provision of a sun tunnel to the first floor flat (overlooking the trees) and the relocation of the bin store. Discussion ensued on the trees in which it was noted that it would be against council policy to remove the trees. Councillor Sands (S) pointed out that the trees were deciduous and would shed leaves in winter when the sun was low. During discussion it was suggested that instead of sun tunnels, the reinstatement of the flat's first floor windows, with obscure glazing, should be explored with the applicant. On being moved to the vote it was:

**RESOLVED**, with 7 members voting in favour (Councillors Champion, Calvert, Prinsley, Young, Hoechner, Thomas (Vi) and Thomas (Va)), 2 members voting against (Councillors Sands (M) and Sand (S)) and 1 member abstaining from voting (Councillor Price) to defer further consideration of Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green, to a future meeting to give the applicants an opportunity to review the plans to consider reinstating the side windows of the first floor flats (adjacent to the trees) with obscure glazing, and/or the installation of sun tunnels to these flats, and relocation of the bin stores.

(The vice chair withdrew the motion to approve the application.)

(The committee adjourned for a short break at this point. Councillors Ackroyd and Peek were readmitted to the meeting and the committee reconvened with all members listed above as present. Councillor Driver also joined the meeting at this point.)

(Councillor Driver, chair, was in the chair for the remainder of the meeting.)

(Councillor Driver declared his interests in item 6, Application no 23/00926/F 152A Unthank Road, Norwich, NR2 2RS which are listed under item 1, Declarations of Interests above.)

## **5. Application no 23/00744/F 21 Upton Close, Norwich, NR4 7PD**

**Proposal:** Demolition of existing 2 storey house and garage. Replacement 2 storey dwelling and garage and ancillary outbuildings.

The Interim Planning Officer (case officer) presented the report with the aid of plans and slides. There had been eight letters of representation and each of these supported the demolition of the existing dilapidated building and considering that the replacement house would improve the street scene. The neighbours' concerns were focused on the outbuildings which must be ancillary to the main house.

Discussion ensued in which the planner, together with the Development Management Team Leader, referred to the report and presentation and answered members' questions. This included confirmation that there were elements of sustainable energy use in the scheme, including solar panels on the ancillary outbuildings, and electrical charging points, though further enhancements could be suggested to the applicant but were not a requirement in policy terms. Members also were advised that a full ecological survey had been undertaken which did not identify any protected species and therefore any mitigation such as swift or bat boxes. Members were also advised that biodiversity net gain was not currently a requirement. A member suggested that the applicant be asked to consider biodiversity enhancements such as hedgehog gaps and swift boxes. Members noted that the proposal was to remove existing plant from its current location into the new outbuilding. The outbuildings could not be used as a B&B, without further planning permission, and was a pool room not intended for overnight use.

In reply to a member's question, the planner confirmed that as a new home the water efficiency requirement would be no more than 110 litres per person per day. The Development Management Team Leader explained that the details for the water efficiency condition needed to be confirmed. Usage was calculated on water flow rate and number of people living in the accommodation. It did not include the swimming pool and its outbuildings.

Members were advised that provision for two car parking spaces in this location was policy compliant. The planner explained that the proposal included a double garage. The applicant has agreed in principle to reduce car parking spaces at the front which would be achieved through the landscaping condition. The Development Management Team Leader confirmed that the hard standing at the front of the new dwelling would be reduced. In answer to a member's question, the planner said that the rear gate was to access the swimming pool area and move machinery etc and was not intended as a separate access to the ancillary outbuildings.

In reply to a member's question, the planner explained that there were no conditions for energy efficiency or biodiversity because the proposals confirmed with policy. To bring forward the application for determination, it had been agreed to confirm the landscaping details later. This application was not constrained by nutrient neutrality as it was a replacement building. The Development Management Team Leader said

that any condition needed to be reasonable. The landscaping would restrict the amount of hard surface to park cars in front of the building and would be approved as a condition of granting the planning permission. This application was constrained at how much could be achieved in terms of policy as it was a replacement and not a new development.

The chair moved and the vice chair seconded the recommendations to approve the application as set out in the report.

Discussion ensued in which members were advised by the chair that it was not appropriate to speculate about further development of the outbuildings as an individual dwelling. A member suggested that the use of solar panels would be very effective as the source of heating for the swimming pool. Another member suggested that there should be some biodiversity mitigation in place but was advised that whilst the applicant might agree to such measures, the swimming pool was already in existence and not a new pool.

Councillor Calvert said he considered that the application should be deferred because it was not policy compliant on car parking. He agreed with another member's suggestion that there could be an issue with surface drainage running off into the highway. Another member said that he was satisfied that officers could achieve policy compliance on parking and limit it through the landscaping condition. The applicants might intend to use the garage for a workshop or other uses.

**RESOLVED**, with 12 members voting in favour (Councillors Driver, Sands (M), Ackroyd, Champion, Prinsley, Price, Peek, Sands (S), Young, Hoechner, Thomas (Va), Thomas (Vi)) and one member voting against (Councillor Calvert, on the grounds that arrangements were not in place to ensure that the application complied with the council's car parking space allocation policy) to approve application 23/00744/F 21 Upton Close, Norwich, NR4 7PD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works in accordance with Arboricultural Impact Assessment; Arboricultural Method Statement and Tree Protection Plan
4. Landscaping details;
5. Residential Ancillary Accommodation;
6. Water Efficiency – Residential;
7. Obscure glazing – side windows.

(Councillor Thomas (Vi) left the meeting at this point.)

## **6. Application no 23/00926/F 152A Unthank Road, Norwich, NR2 2RS**

**Proposal:** Change of use from class E to Public House/bar (Sui Generis) and erection of cooling unit.

The Planner (case officer) presented the report with the aid of plans and slides.

A resident of Unthank Road addressed the committee on behalf of other residents who opposed the application and read out a statement on behalf of a neighbour. This included concern that the noise assessment had been carried out during the day rather than in the late evening when there was less traffic and buses had stopped running; that the smoking area was inadequate for 20 people, that there were several bars in the vicinity; that customers to the premises would create noise and disturb neighbours; concern about noise from deliveries and that there was nowhere for taxis to drop off or collect people from the premises. The neighbour's statement included concern that residents would have their sleep disturbed by customers speaking outside at time when Unthank Road did not have much traffic.

The applicant spoke in support of the application for change of use to a bar. This proposal was for a microbar and bottle bar that would provide a high standard venue option for the community. The outside space would be managed in accordance with the conditions recommended by the council's Environmental Protection Officers. The location encouraged the use of sustainable modes of transport (walking and cycling). As experienced publicans, they were aware of maintaining neighbourhood stability.

The planner, together with the Development Management Team Leader, referred to the report and the presentation, and answered members' questions. Members were assured that Environmental Protection Officers had tested the independent noise assessment in detail and considered it to be reliable, and that this application, subject to the conditions, would not cause additional harm. The committee was advised that the change of use to a bar was without class or "sui generis" and therefore required planning permission.

Discussion ensued in which members asked officers about the operation of the premises. Members were advised that the outside smoking area would be restricted to 20 people. Both planning and licensing legislation could control the opening hours of the premises which would need to comply with whichever was more restrictive. Members considered that this venue was likely to be very popular. Smokers would be talking and creating noise and disturbance to neighbours, and there was concern about where smokers would go when the smoking area was closed. Members noted that the area was small, and constrained by the bin stores and the cycle parking for one cycle, which would need to be unlocked by the bartenders when the area was locked. There was no policy requirement for the bar to provide more cycle parking. It was noted that there was a disabled toilet with a ramp. Deliveries would be made through the bar.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members expressed their concern about the size of the smoking area and pointed out that without seating it would be difficult to monitor numbers and that the noise would disturb adjacent neighbours. Members also noted that the pavement was narrow, people would overspill onto it and there was a risk of accidents. Members minded to object to the proposal considered that the issues raised through the licensing and planning applications had not been given sufficient consideration. Another member pointed out that the outside area at the front was too crowded and would not accommodate 20 people, a cycle rack and bin stores.

A member speaking in support of the application said that the building had been used as a licensed premises for two years during the pandemic, albeit without planning permission, and there had been no complaints. Another member said that residents could refer any issues to the licensing committee for a premises review and that whilst he was concerned about the size of the premises and outside space, he was broadly supportive if there was mitigation in place. Members noted that the premises had previously been a bakery, bank, and shop and none of these uses had provided cycle storage. People wishing to smoke would go elsewhere if the smoking area was full or closed. The issues of noise and managing numbers were also subject to regulation under the premises licence.

**RESOLVED**, with 6 members voting in favour (Councillors Driver, Ackroyd, Champion, Peek, Sands (S) and Thomas (Va)), 5 members voting against (Councillors Sands (M), Calvert, Prinsley, Young and Hoechner) and 1 member abstaining (Councillor Price) to approve application no. 23/00926/F, 152A Unthank Road, Norwich, NR2 2RS and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Delivery hours to be limited to between 07:00 and 19:00 Monday to Saturday
4. Cycle stand to be installed.
5. In accordance with noise management plan.
6. Noise limiter to be installed.
7. Outside seating shall not be used between 11 pm to 12 pm on any day.
8. Opening hours limited to 12:00 till 00:00 Monday to Thursday; 12:00 till 01:00 Friday and Saturday; 12:00 till 23:30 Sunday
9. Cooler unit is not to be used between 11pm-7am on any day

#### Informative

The proposed hanging sign shown in the drawings will require a separate advertisement consent permission. The hanging sign has not been considered in assessing this application.

CHAIR